



City of Seattle

Gregory J. Nickels, Mayor
Department of Planning and Development
D. M. Sugimura, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR
OF THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

Application Number: 2406032
Applicant Name: Richard Olson
Address of Proposal: 3042 NE 95th St.

SUMMARY OF PROPOSED ACTION

Master Use Permit to subdivide two parcels into four parcels of land. Proposed parcel sizes are: A) 7,200.8 sq. ft., B) 7,200.9 sq. ft., C) 8,592.3 sq. ft.; and D) 8,587.4 sq. ft. The short plat involves demolition of an existing detached garage on proposed Parcel A and an existing detached accessory structure on proposed Parcel C. Parking is to be reestablished on proposed Parcel B. Existing house #3038 may be removed under separate permit.

The following approval is required:

Short Subdivision - To subdivide two parcels into four (SMC Chapter [23.24](#))

BACKGROUND DATA

Zoning: SF7200
Date of Site Visit: November 18, 2004
Uses on Site: Single Family Residential

Site and Vicinity Characteristics

The site consists of two existing lots, 3038 and 3042 NE 95th St, measuring 31,581 sq. ft. in all. On 3038, there is an existing single family home, a detached garage, and other typical residential improvements. On 3042, there is an existing single family home, an undefined detached accessory structure, and other typical residential improvements. There is currently no demolition application for either house. The neighborhood is entirely zoned for and developed with single family residences. The street is partially improved with a roadway, but no curbs, gutters, or sidewalks.

Proposal:

The proposal is to plat the existing parcels into four lots. As proposed, existing principal structures may be retained or may be permitted to be demolished, as the property owner sees fit. The existing detached garage accessory to 3038 and the existing detached structure accessory to 3042 must be

demolished as a condition of the short plat, and parking must be established on proposed Parcel B so as to create no new nonconformities to development standards or use standards.

Public Comment

DPD received one letter from the public. The letter addressed the following issues:

- Concerned about poor quality construction
- It would be better to configure lots to have adequate street frontage, rather than creating new building sites and constructing in the original lots' back yards.
- Orienting new lots with long dimension running north/south would preserve the natural drainage pattern.
- Proposed building site is characterized by clay soils, not stable.
- Site might qualify as a wetland.

ANALYSIS - SHORT SUBDIVISION

Pursuant to SMC [23.24.040](#), the Director shall, after conferring with appropriate officials, use the following criteria to determine whether to grant, condition or deny a short plat:

1. *Conformance to the applicable Land Use Code provisions;*
2. *Adequacy of access for vehicles, utilities and fire protection, as provided in Section [23.53.005](#);*
3. *Adequacy of drainage, water supply, and sanitary sewage disposal;*
4. *Whether the public use and interests are served by permitting the proposed division of land;*
5. *Conformance to the applicable provisions of SMC Section [25.09.240](#), short subdivision and subdivisions in environmentally critical areas;*
6. *Is designed to maximize the retention of existing trees.*
7. *Conformance to the provisions of Section [23.24.045](#), unit lot subdivisions, when the short subdivision is for the purpose of creating separate lots of record for the construction and/or transfer of title of townhouses, cottage housing, clustered housing, or single family housing, and*
8. *Conformance to the provisions of Section [23.24.046](#), Multiple single-family dwelling units on a single-family lot, when the short subdivision is for the purpose of creating two or more lots from one lot with more than one existing single-family dwelling unit.*

Summary - Short Subdivision

Based on information provided by the applicant, referral comments as appropriate from DPD, Water (SPU), Fire Department (SFD), Seattle City Light, and review by the Land Use Planner, the applicable above cited criteria (#7, and #8 do not apply) have been met subject to the conditions imposed at the end of this decision. This short subdivision will meet all minimum standards, including minimum lot size, and is consistent with applicable development standards. As conditioned, this short subdivision would be provided with public and private utilities and vehicular access (including emergency vehicles). Adequate provisions for drainage control, water supply and sanitary sewage disposal would be provided for each lot and service is assured, subject to standard conditions governing utility extensions.

A DPD wetlands biologist has visited the site and has determined that the site and immediate vicinity do not qualify as a wetland. The proposal complies with the applicable regulations of SMC [25.09.240](#).

As conditioned, the proposed plat maximizes the retention of existing trees. The public use and interest are served by the proposal since all applicable criteria are met and the proposal creates the potential for additional housing opportunities in the City.

DECISION - SHORT SUBDIVISION

The proposed Short Subdivision is **CONDITIONALLY GRANTED**. Applicant must meet all standard recording requirements and conditions and/or requirements as attached to approval cover letter.

CONDITIONS - SHORT SUBDIVISION

Conditions of Approval Prior to Recording

The owner(s) and/or responsible party(ies) shall

1. Comply with all applicable standard recording requirements and instructions. Conditions of approval following recording shall be added to face of plat.
2. Include the following statements on the final recording document: "The existing detached garage structure shall be legally demolished or removed, and parking shall be established and provided on Parcel B prior to separate sale of either Parcel A or B." "The existing detached structure shall be demolished or removed prior to separate sale of either Parcel B, C, or D."
3. Update the survey to reflect the species of all existing trees on site.
4. Show the required utilities easement on the plat as described in Appendix A on page 4.

Prior to any sale or issuance of any building permit

The owner(s) and/or responsible party(ies) shall

5. Attach a copy of the recorded short subdivision to all permit application plans for any application for a permit to construct, demolish, or change use.

Signature: (signature on file) Date: December 2, 2004
Scott A. Ringgold, Land Use Planner
Department of Planning and Development

SAR:rgc
K:\Signed Decisions\2406032.doc

Appendix A

**EXHIBIT "A" TO CITY OF SEATTLE
SHORT SUBDIVISION NO. 2406032
P.M. #260433-1-034**

EASEMENT (Overhead and Underground)

THIS EASEMENT GRANTS to the City of Seattle, hereafter called the Grantee, its successors and assigns, the right, privilege and authority to install, construct, erect, alter, improve, repair, energize, operate and maintain electric overhead and underground distribution facilities at depths not exceeding 15 feet, which consist of poles with braces, guys and anchors, crossarms, transformers, ducts, vaults, manholes, cabinets, containers, conduits, wires and other necessary or convenient appurtenances to make said underground and overhead installations an integrated electric system. All such electric system is to be located across, over, upon and under the following described lands and premises situated in the County of King, State of Washington, to wit:

Those portions of the southeast quarter of the
Northeast quarter of Section 33, Township 26 North,
Range 4 East, W.M., described as follows:

Beginning at a point on the north margin of
Northeast 95th Street that is 30.00 feet North and
822.83 feet West of the east quarter corner of said
Section 33;

thence North 0°00'10" East, 86.56 feet;

thence North 88°20'45" West, 21.16 feet;

thence South 0°00'10" West, 86.55 feet, more or
less, to the north margin of Northeast 95th Street;

thence South 88°19'07" East, along the north margin
of Northeast 95th Street, 21.16 feet, more or less,
to the point of beginning;

EXCEPT any portion thereof lying within the existing
house located on said property;

ALSO

Beginning at a point on the north margin of
Northeast 95th Street that is 30 feet North and
330 feet East of the southwest corner of the southeast
quarter of the northeast quarter of said Section 33;

thence South 88°19'07" East, along the north margin
of Northeast 95th Street, 32.97 feet to the TRUE
POINT OF BEGINNING;

thence continuing South 88°19'07" East, along the north
margin of Northeast 95th Street, 20.00 feet;

thence North 0°00'06" East, 36.00 feet;

thence South 29°03'06" West, 40.61 feet, more or less,
to the north margin of Northeast 95th Street, and
the true point of beginning;

(Being the east 21.16 feet of PARCEL C, City of Seattle
Short Subdivision No. 2406032;
EXCEPT any portion thereof lying within the existing
house located on said PARCEL C;

ALSO that portion of PARCEL A, City of Seattle
Short Subdivision No. 2406032, described as follows:

Beginning at the southeast corner of said PARCEL A;
thence North 0°00'06" East, along the east line of
said PARCEL A, 36.00 feet;
thence South 29°03'06" West, 40.61 feet, more or less,
to a point on the south line of said PARCEL A that
is North 88°19'07" West from the southeast corner
thereof;
thence South 88°19'07" East, along the south line of
said PARCEL A, 20.00 feet to the southeast corner
thereof, and the point of beginning.

Together with the right at all times to the Grantee of ingress to and egress from said lands across adjacent lands within PARCELS A and C, City of Seattle Short Subdivision No. 2406032 for the purpose of installing, constructing, reconstructing, repairing, renewing, altering, changing, patrolling, energizing and operating said electric system, and the right at any time to remove all or any part of said electric system from said lands.

Also together with the right to the Grantee at all times to cut and trim brush, trees or plants of any kind standing or growing upon said lands or adjacent lands within PARCELS A and C, City of Seattle Short Subdivision No. 2406032 which, in the opinion of the Grantee, interfere with the maintenance or operation of the system, or constitute a menace or danger to said electric system.

It is covenanted and agreed that no structure or fire hazards will be erected or permitted within the above described easement area without prior written approval from the Grantee, its successors and assigns.

It is further covenanted and agreed that no digging will be done or permitted within the easement area which will in any manner disturb the facilities or their solidity or unearth any portion thereof; and that no blasting or discharge of any explosives will be permitted within fifty (50) feet of said lines and appurtenances.

The Grantee is to be responsible, as provided by law, for any damage through its negligence in the construction, maintenance and operation of said electric system across, over, upon and under the property granted in this easement or land adjacent thereto.

The rights, title, privileges and authority hereby granted shall continue and be in force until such time as the Grantee, its successors and assigns, shall permanently remove said poles, wires and appurtenances from said lands or shall otherwise permanently abandon said electric system, at which time all such rights, title, privileges and authority hereby granted shall terminate.